REMARKS

In the Office Action, claims 32, 34, 36-38, 40-43 and 45-48 were rejected as anticipated by U.S. Patent No. 5,733,294 to Forber. Claims 32-49 were rejected as anticipated by U.S. Patent No. 5,601,595 to Smith.

The courtesy extended by Examiner Jessica Baxter during the telephone conversation with the undersigned on December 5, 2005 is acknowledged with appreciation. During that conversation, independent claims 32, 38, 43 and 47, along with the Forber and Smith patents were discussed.

Independent claims 32 and 38 have been amended to add the recitation of vessel engaging members extending from the mounting section to anchor the vessel filter, the subject matter of respective dependent claims 33 and 39, which have now been canceled. Claims 33 and 39 were not rejected over Forber; consequently, as pointed out to the Examiner, the rejection of claims 32 and 38 over Forber should now be withdrawn. Note also Forber does not disclose or suggest such vessel engaging members. Also note that Forber is not a filter which allows blood flow therethrough but is an occlusion member.

The Smith patent discloses a filter having first and second units including a plurality of struts 16. Each strut includes a "free end 18" and a joining end 20. The free ends have a sharpened portion 19 and a pad portion 21 as shown in Figure 1. Note the perspective view of Figure 1 clearly shows all of the struts 16 end in free ends and are not joined; in Figure 2, which shows a side view of the filter of Figure 1, some of the struts overlap, e.g. are behind another strut, but are not joined- they maintain separate free ends as in Figure 1. Claim 32, as amended, recites that the mounting section has closed loops. As discussed with the Examiner, this is in contrast to the free ends of Smith. Claim 38 recites that the mounting section has a first curved end region forming part of a closed curve and a second curved end region forming part of the closed curve. The free ends of Smith do not form a closed curve. Claim 43 recites inter alia that the first and second opposing end regions of the mounting section curve inwardly to a converging region to form part of closed curve sections devoid of exposed free ends. Again, as pointed out to the Examiner during the telephone conversation, Smith discloses free ends and therefore lacks the recitations of claim 43. Consequently, for the foregoing reasons, the rejection of claims 32, 38 and 43 as anticipated by Smith should be withdrawn.

Claim 47, as discussed with the Examiner, has been amended to further clarify that the filtering section is at one longitudinal end of the filter and the mounting section is at the opposing

longitudinal end. The first cylindrical support forming the tip of the filter is at the second longitudinal end. Smith lacks such structure. In Smith, the filter regions are spaced longitudinally (axially) inwardly of the mounting sections and therefore it lacks a filtering section with cylindrical support at one end and a mounting section at the other end. Neither hub 22 or 24 of Smith is at the end of the filter since they each are spaced axially inwardly of the mounting section. In other words, the mounting sections of Smith extend past the filtering portions and thus form the two ends of the filter. Withdrawal of the rejection of claim 47 is therefore respectfully requested.

Claims 34-37, 40-42, 44-46 and 48-49 depend directly or indirectly from independent claims 32, 38, 43 and 47 and are therefore believed patentable for at least the same reasons as these independent claims are believed patentable.

In the second Office Action of March 9, 2006, the reply filed December 12, 2005 (mailed December 7, 2005) was indicated as not fully responsive to the Office Action of September 9, 2005. The courtesy extended by Examiner Baxter in the telephone conversation with the undersigned on March 27, 2006 is acknowledged with appreciation. In the telephone conversation the March 9th Office Action was discussed along with the structure of the present invention.

In the March 9th Office Action, clarification of the term "closed loops" was requested. The term closed loop refers to the closed curve formed by the looped portions of the filter. This is shown for example in Figure 10A where instead of a free end as in the Smith patent, 110 forms loops 110a, 112 forms loops 112a, etc. Thus, if one traces for example 110, one can see that it begins at 124 and forms loops as it extends to 120, forming a closed curve as it lacks a free end. Consequently, the closed loop and closed curve recitations distinguish over the Smith patent.

The foregoing is believed to be fully responsive to the Office Action. Applicants respectfully submit that this application is now in condition for allowance. Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

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By: _____

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